

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

KEITH DOHSE,

Plaintiff,

VS.

**JOHN E. POTTER, United States
Postal Service Postmaster General,**

Defendant.

8:04CV355

ORDER

This matter is before the court on the plaintiff's Motion for Reconsideration (Filing No. 117). Although the plaintiff did not file a separate brief, the motion was lengthy setting out the plaintiff's position and had some evidence attached. The defendant filed a brief (Filing No. 118) in opposition to the motion. The plaintiff did not file a reply. The plaintiff moves for this court to reconsider its order (Filing No. 115) granting the defendant's motion for summary judgment (Filing No. 100).¹ Nebraska Civil Rule 60.1 provides:

Motions for reconsideration are disfavored. The court will ordinarily deny such motions in the absence of (1) a showing of manifest error in the prior ruling; or (2) a showing of new facts or legal authority, neither of which could have been brought to the court's attention earlier with reasonable diligence.

NECivR 60.1(c).

The plaintiff argues the court “inappropriately” determined the plaintiff was not a public employee with a property interest in his employment. Further, the plaintiff asserts the order was an admission that outsourcing mail delivery constitutes a breach of the Sanctity of the Mail. **See** Filing No. 117 - Brief p. 9. The plaintiff, however, fails to make any showing of either manifest error or new facts or legal authority in support of the plaintiff’s position. The court has reviewed its order, the record, the plaintiff’s filings and the

¹The undersigned magistrate judge exercises jurisdiction over this matter after consent by the parties and transfer by United States District Court Chief Judge Joseph F. Bataillon. **See** Filing No. 63.

defendant's opposition and finds no legal or factual justification for reconsideration. The arguments made by the plaintiff were made in the plaintiff's opposition to the defendant's motion for summary judgment and addressed by the court in the contested order. Additionally, the plaintiff's motion for reconsideration is untimely. **See** NECivR 61.1(b) (allowing such motion within ten business days, unless good cause is shown for further delay). Upon consideration,

IT IS ORDERED:

The plaintiff's Motion for Reconsideration (Filing No. 117) is denied.

DATED this 25th day of March, 2008.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge